

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES, et al., )  
                            )  
Plaintiffs,             )  
v.                         )     No. 1:23-cv-00108-LMB-JFA  
                            )  
GOOGLE LLC,            )  
                            )  
Defendant.             )

DECLARATION OF COL JOHN P. HORNING  
IN SUPPORT OF PLAINTIFFS' RESPONSE TO  
GOOGLE'S MOTION TO SEAL

COL John P. Horning, pursuant to 28 U.S.C. § 1746 hereby declares as follows:

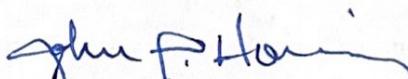
1. I am over 21 years old and am competent to testify about the matters in this Declaration based on my personal knowledge.
2. I am the Director, Marketing Strategy, Innovation, and Data at the United States Army and submit this Declaration in support of Plaintiffs' Response to Google's Motion to Seal.
3. Plaintiffs' Exhibit 70, ECF No. 659-8, is a true and correct copy of a FY 2022 media plan and cover email.
4. Plaintiffs' Exhibit 92, ECF No. 672-6, is a true and correct copy of an excerpt of the Army's advertising contract with DDB.
5. Defendant's Exhibit 77, ECF No. 602-6, is a slide describing the national media optimization process and related email correspondence.
6. Defendant's Exhibit 140, ECF No. 709-8, is purchase documentation, invoices, and invoice backup material concerning Army's digital media buys with DDB/OMD.

7. Defendant's Exhibit 154, ECF No. 709-19, is an excerpt of a slide deck about the Army's marketing mix modeling national paid media utilization assessments.

8. Metrics and data in the documents cited in this declaration are commercially sensitive and not available to the general public, and making them available on the public docket could prejudice the Army's ability to conduct business.

9. Contact information for Army staff included in the documents cited in this declaration is not widely published or available to the general public as a matter of course, and making it available on the public docket threatens to disrupt orderly and efficient agency operations.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 14 June 2024.

  
HORNING.JOHN.PAUL.112775 Digitally signed by  
Signed: 4272 HORNING.JOHN.PAUL.1127754272  
Date: 2024.06.14 11:36:56 -05'00'

COL JOHN P. HORNING

County and State: Cook County, IL